IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9267 of 2004

Between:
Mrs. Anjuman Sultana, W/o. Aizaz Ahmed, R/o. Mehdi Patnam, Hyderabad.

..... PETITIONER

AND

The Assistant Divisional Engineer Operation, CPDCAP LTD., Gaganpahad, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus by setting aside the impugned notice in Lr.No. ADE/O/GPHD/F.NO. 728/S D.No.1155/2003 dated 15-3-2003 of the Respondent

Counsel for the Petitioner: MR.BATHINI PAPA RAO GOUD

Counsel for the Respondent: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the notice dated 15.03.2003 which is a provisional assessment notice demanding the petitioner a sum of Rs.54,282/- towards the value of the pilfered energy and was further directed to pay a sum of Rs.27,141/- for restoration of power supply.

2. This Court while entertaining the petition on 25-05-2004, passed an order directing the petitioner to deposit half of the amount within a period of two weeks from the date of the order and if the said amount is paid, the power supply to the petitioner's premises shall be restored, until further orders. It is stated at the time of hearing that the matter is still pending before the respondent and final assessment has to be made. In fact, the learned counsel for the petitioner sought for an order directing the respondent to transfer the matter to the Tribunal having jurisdiction.

3. Heard both sides and considered the material on record.

4. As provisional assessment has already been made against the petitioner, the petitioner is directed to

deposit half of the provisional amount assessed which was demanded in the notice. If the petitioner has not paid half of the provisionally assessed amount already, the petitioner is directed to deposit the said amount within a period of four weeks from today. With reference to the pendency of the matter, it is open to the petitioner to make appropriate application before the respondent or any other authority dealing with the matter for transfer of the same to the Tribunal having jurisdiction. If such an application is made, the authorities are directed to consider the same and pass appropriate orders including transfer of the matter to the Tribunal having jurisdiction.

5. With the above directions, the writ petition is disposed of. No costs.

22nd June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1.The Assistant Divisional Engineer (Operations),
GPDCAP Ltd., Gaganpahad, Hyderabad.
2.Two CD copies.